

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IVETTE VELEZ**

**Plaintiff,**

**v.**

**CREDIT ONE BANK,**

**Defendant.**

**CASE NO. 1:15-cv-00181-JEI-AMD**

**DEFENDANT’S MOTION TO DISMISS AND COMPEL ARBITRATION**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and the Federal Arbitration Act, 9 U.S.C. §§ 2-4, Defendant Credit One Bank, hereby move the Court for an Order compelling arbitration and dismissing Plaintiff’s Complaint for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.

For reasons set forth more fully in Defendant’s Memorandum of Law in Support of Their Motion, Defendant respectfully move the Court to:

1. Compel Plaintiff to arbitrate all claims asserted against Defendant in the Complaint; and
2. Dismiss Plaintiff’s Complaint and all causes of action asserted therein with prejudice or, in the alternative, stay the instant proceedings pending arbitration.

This Motion is based upon all of the files, records and proceedings herein and upon all arguments of counsel. A memorandum of law, proposed order and other

supporting documents shall be timely filed by the Defendant pursuant to Federal Rule of Civil Procedure 12(b)(6).

Dated: April 20, 2015

Respectfully submitted,

/s/ Ross S. Enders

Ross S. Enders, Esq.

New Jersey Bar No.: 027102002

SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.C.

2303 Oxfordshire Road

Furlong, PA 18925

Telephone No.: (215) 794-7207

Facsimile No.: (215) 794-5079

Email: [renders@sessions-law.biz](mailto:renders@sessions-law.biz)

*Attorneys for Defendant*

*Credit One Bank*

**CERTIFICATE OF SERVICE**

I certify that on this 20<sup>th</sup> day of April 2015, a copy of the foregoing **MOTION TO DISMISS AND COMPEL ARBITRATION** was filed electronically in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system, including plaintiff's counsel as described below. Parties may access this filing through the Court's system.

Amy Bennecoff, Esq.  
Kimmel & Silverman, P.C.  
30 E. Butler Pike  
Ambler, PA 19002

By: /s/ Ross S. Enders  
Attorney